

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

JAMES H. NASH,

Plaintiff,

v.

4:04-cv-85

ROBERT MEEKS, et al.,

Defendants.

MEMORANDUM OPINION

In this *pro se* prisoner's civil rights action, the plaintiff was ordered to show cause why this action should not be dismissed for failure to prosecute and to comply with the orders of this court. [Court File No. 19]. The plaintiff has failed to respond to the court's order within the time required. Accordingly, this action will be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute and to comply with the orders of the court. Rule 41(b) of the FEDERAL RULES OF CIVIL PROCEDURE. *See Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991); *Carver v. Bunch*, 946 F.2d 451 (6th Cir. 1991). The court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Rule 24 of the FEDERAL RULES OF APPELLATE PROCEDURE.

AN APPROPRIATE ORDER WILL ENTER.

s/ James H. Jarvis
United States District Judge